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3 **UNITED STATES DISTRICT COURT**
4 **WESTERN DISTRICT OF WASHINGTON**
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6
7 DAVID SARRUF,

8 Plaintiff,

9 vs.

10 LILLY LONG TERM DISABILITY PLAN
11 & LILLY LIFE INSURANCE PLAN,

12 Defendants.
13

Case No. 2:24-CV-00461-JCC

**PLAINTIFF'S STIPULATED MOTION
FOR LEAVE TO FILE RESPONSE
BRIEF UNDER SEAL AND
[PROPOSED] ORDER**

14 **I. INTRODUCTION**

15 Plaintiff David Sarruf, by and through undersigned counsel, respectfully moves the Court,
16 pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Civil Rule 5(g), for leave to file a
17 redacted version of his Response Brief in Opposition to Defendant's Motion for Summary
18 Judgment on the public docket and an unredacted version under seal, on the grounds that it
19 contains extensive citation to the sealed Administrative Record, which contains confidential
20 medical information protected from public disclosure.

21 **II. BACKGROUND AND ARGUMENT**

22 This is an action for long term disability benefits arising under the Employee Retirement
23 Income Security Act (29 U.S.C. § 1132(a)(1)(B)). The Administrative record in this case contains
24 extensive medical records and documents related to Sarruf's medical condition and treatment. On
25 April 11, 2025, the Court granted the Parties' Stipulated Motion to file the Administrative Record
26 under seal. Docket No. 44. The parties filed simultaneous cross-motions for summary judgment on
27 April 22, 2025. Concurrently with their motion, Defendants filed a motion for leave to file their
28 summary judgment brief under seal, which the Court granted. Docket No. 48. The parties now file

1 their responsive briefs; and Plaintiff seeks leave to file his brief under seal, with a redacted version
 2 available on the public docket, to maintain confidentiality of his medical records, which are cited
 3 extensively in his brief.

4 While there is a general presumption of public access to court records, this presumption
 5 can be overcome upon a showing that “compelling reasons” exist such that sealing is warranted.
 6 *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006). Courts in the
 7 Ninth Circuit recognize that “[t]he need to protect medical privacy qualifies in general as a
 8 ‘compelling reason.’” *Karpenski v. Am. Gen. Life Companies, LLC*, No. 2:12-CV-01569RSM,
 9 2013 WL 5588312, at *1 (W.D. Wash. Oct. 9, 2013) (granting motion to seal medical records in
 10 case challenging the denial of long term disability benefits); *S.L. by & through J.L. v. Cross*, 675
 11 F. Supp. 3d 1138, 1147 (W.D. Wash. 2023) (granting motion to seal the administrative record in
 12 an ERISA case challenging the denial of residential treatment); *G. v. Hawai’i*, No. CIV. 08-00551,
 13 2010 WL 2607483, at *1 (D. Haw. June 25, 2010) (sealing deposition testimony under the
 14 “compelling reasons” standard because they contained information about the plaintiffs’ medical
 15 conditions and treatment); *Lombardi v. TriWest Healthcare Alliance Corp.*, CV 08–02381, 2009
 16 WL 1212170, *1 (D.Ariz. May 4, 2009) (allowing the defendant to file exhibits under seal where
 17 they contained “sensitive personal and medical information”).

18 In the present case, the response brief refers to and quotes from Sarruf’s medical records
 19 that are confidential and protected under federal law, including the Health Insurance Portability
 20 and Accountability Act (HIPAA). Pursuant to Local Civil Rule 5(g)(5)(A)-(B), a redacted version
 21 of the response brief will be filed publicly, with only those portions referencing confidential
 22 medical information omitted. Allowing Sarruf to file simultaneous sealed and redacted briefs will
 23 serve the interests of justice by ensuring that Sarruf’s privacy is maintained while still allowing the
 24 public to ascertain the nature and most details of the Parties’ dispute.

25 **III. CERTIFICATION PURSUANT TO LCR 5(g)(3)(A).**

26 The undersigned conferred with counsel for Defendants, Kara P. Wheatley, via e-mail on
 27 May 15 and 16, 2025 regarding the need to file Plaintiff’s response brief under seal. The Parties
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1 agree that sealing is appropriate and necessary to protect Plaintiff's confidential medical
2 information contained therein.

3 **IV. CONCLUSION**

4 For the foregoing reasons, Plaintiff respectfully requests that the Court grant this motion
5 for leave to file his Response Brief under seal.

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7 Dated: May 16, 2025

Respectfully submitted,

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[PROPOSED] ORDER

THIS MATTER having come before the Court upon PLAINTIFF'S STIPULATED MOTION FOR LEAVE TO FILE RESPONSE BRIEF UNDER SEAL, and the Court having considered the motion and all relevant materials, and finding good cause shown, hereby ORDERS:

1. Plaintiff's Stipulated Motion (**Dkt. No. 51**) for Leave to Response Brief under Seal (**Dkt. No. 52**) is GRANTED.

2. Plaintiff is authorized to file his Response Brief under seal in its entirety, without redaction, and in redacted form on the public docket.

3. Plaintiff's Response Brief shall remain under seal unless otherwise ordered by the Court.

IT IS SO ORDERED this 19th day of May 2025.



THE HONORABLE JOHN C. COUGHENOUR
UNITED STATES DISTRICT COURT JUDGE